


[About OSPLD](#)
[Leadership](#)
[Organizations](#)
[Conduct](#)
[Event Planning](#)
[Reserving Spaces](#)
[Fundraising](#)
[FAQ's](#)
[University Partners](#)
[Faculty/Staff Advisors](#)
[Contact Us](#)


Student Group Misconduct

Procedures for Filing Complaints of Alleged Violation of University Policies & Complaint Disposition

Statement of Principles

SF State is a learning community in which student organizations play a valuable role. As part of this role, student organizations must fully recognize their responsibilities as well as their rights and privileges. These procedures have been developed to ensure that matters of student organization conduct are handled consistently and fairly, and that they are resolved in accordance with the educational purpose of the university and due process standards. The OSPLD shall consult faculty, staff and students, including representatives of student governments, in the revision of these Procedures, except when such revisions result from changes to system wide policies or are specifically mandated by law. Any member of the campus community may submit written proposals to change the provisions of this Procedure to OSPLD at any time.

Jurisdiction

The following procedures delineate the disciplinary process for non-academic violations of University Policies and Campus Regulations by recognized student organizations.

A. Disciplinary Procedures/Due Process.

1. The term 'working day' shall mean any day during the academic year, summer session, and special session other than a Saturday, Sunday or academic holiday of a campus as that term is used in Section 42800 of Title 5 of the California Code of Regulations. (EO 628)
2. In lieu of pursuing charges against a student organization that has allegedly violated any university policy or procedure, the OSPLD may issue a letter of warning. A letter of warning is written notice to the student organization that a violation of university policies has occurred. This letter will be warning that further violations could result in more severe disciplinary action. It will be a part of the organization's file for a period of one year from the date of the letter.
3. Before informal resolution procedures as set forth in Section D may take place, the student organization must be advised of its right to due process pursuant to this Procedure, including the right to representation (attorneys will not be permitted as representatives in this process) and a hearing. This is to ensure that the student organization is aware of its procedural rights before making an admission to a violation of University Policies and Procedures.

B. Filing of Complaint and Investigation of Allegations

1. A complaint alleging non-academic misconduct by a student organization may be filed by anyone, but must be in writing, signed, dated and submitted to the Director of OSPLD. These complaints must be submitted within seven working days of the alleged violation, and include any supporting evidence, documentation and names of witnesses..
2. OSPLD staff and university officials may also initiate complaints within seven

working days following witnessing possible violations by student organization representatives.

3. OSPLD will investigate all complaints. OSPLD will keep on file for a minimum of five years, a signed, dated and reasoned decision explaining its determination of cases investigated.
4. In cases involving sexual harassment, the Sexual Harassment Policy and Procedures will be followed (See SF State Bulletin, Supplemental Regulations & Procedures and Student Code of Conduct at [here](#)).
5. After a complaint is filed against a student organization, that organization may remain active on campus until a review of the complaint is completed by the Student Organization Hearing Panel (SOHP), or until an informal review is completed by OSPLD. In complaints against a student organization or its members, or infractions of university policy, that are criminal in nature, the university president reserves the right to suspend the campus activity or revoke recognition of that student organization until a review or investigation can be completed by the SOHP.

C. Notification of Charges

1. The OSPLD shall initiate the investigation/review by either:
 - Delivery of a written Notice of Charges served in person.
 - Delivery by certified mail, return receipt requested within two working days of receipt of the written complaint.
 - E-mail communication.
2. The written notification of charges to the student organization shall include:
 - The University policy or campus regulation that was allegedly violated.
 - The factual basis for the charges including, wherever possible, the date, time and location of the alleged offense.
 - The requirement to meet with the Director or staff member of OSPLD to discuss the charges.
 - If a student organization fails to meet with the Director of the OSPLD and the OSPLD staff as required in the Notification of Charges, the student organization will be automatically suspended pending completion of the SOHP review and deliberation.
 - A statement of the accused student organization's right to have a representative at any stage of the disciplinary proceedings. Attorneys will not be permitted as representatives in this process.
3. Unless previously provided, the OSPLD shall provide a copy of the University Code of Student Conduct, ([click here](#)) and if applicable, other relevant university policies to the student organization with the Notification of Charges.
4. For the purpose of pursuing charges against a student organization, the written notification shall be delivered to the organization's president, faculty advisor, principal officer, and/or other students delegated on the group's student organization registration form, on file with OSPLD.
5. The SOHP will be informed by the Director of OSPLD of charges brought against any student organization.

- D. Informal Resolution of Charges (Optional)**—At the discretion of the Director of OSPLD, a meeting may be convened with representatives of the organization charged and the complaining party, to reach an informal resolution to be agreed upon by both parties. The meeting will occur within three (3) working days of the date of the notification of charges letter. If the representatives of the student organization charged and the complaining party reach a mutually acceptable agreement, the matter shall be closed. If no agreement is reached within five (5) working days of the notification of charges letter, the matter will proceed to SOHP for review and determination.

- E. Formal Disciplinary Proceedings**—All allegations of misconduct against a recognized



student organization, when not resolved with an informal resolution as stated above shall be subject to formal review by SOHP.

- F. **Student Organization Hearing Panel (SOHP)**—The Student Organization Hearing Panel is comprised of campus students, faculty and staff for the purpose of hearing student organization violations and determining sanctions.
 - 1. **Composition of Panel**—The panel shall consist of five (5) voting members: two (2) students (ASI appointments), one (1) staff member (Vice President for Student Affairs appointment), and two (2) faculty members (Academic Senate appointments). The SOHP members serve a one-year term and the Director of the OSPLD convenes the Panel. The Associate Vice President for Student Affairs appoints the Chair of SOHP.
 - 2. **Quorum**—Quorum shall consist of a simple majority of voting members.
- G. **Timing and Notice of Hearing**—The Director of OSPLD will provide written notification to the student organization regarding either: (1) The Director's decision to offer an informal resolution, or (2) The decision to immediately refer the charges to SOHP. If an informal resolution occurs, the outcome notice will be provided to the student organization by the Director of OSPLD. If an informal resolution does not occur, the notice will include the information that the SOHP will begin the disciplinary hearing within seven working days. The SOHP will contact the student organization providing the specific information on the date, time and location of the hearing.
- H. **Consolidated Hearing Assignments**—Where more than one student organization is charged with conduct arising out of a single occurrence or out of connected multiple occurrences, and if the SOHP and the student organization consent, a single hearing may be held for all of the student organizations charged. Student organizations may request that their case be consolidated with others, or separated. The SOHP shall make determinations regarding consolidation. All such determinations shall have the hearing subject to revision by the SOHP. In the event of a revision, all cases affected shall be rescheduled. The separation of one or more cases from a group of cases previously set for a consolidated hearing shall not be considered to affect the remaining cases in the group.
- I. **Evidence**
 - 1. The accused student organization may request access to and/or copies of all the documentary evidence that will be presented in support of the charges at the hearing and a list of witnesses that may be called by the SOHP at the hearing. Any such evidence will be made available for inspection as soon as practicable but at least five (5) working days before the hearing.
 - 2. At least four (4) working days prior to the hearing, the accused student organization must provide the SOHP with its evidence and documentation refuting the charges and a list of witnesses that the student organization may call at the hearing.
 - 3. The accusing party may request access to and/or copies of all the documentary evidence that will be presented in refutation of the charges at the hearing. Any such evidence will be made available for inspection as soon as practicable but at least three (3) working days before the hearing.
 - 4. It is expected that the SOHP will select some witnesses to testify but it is not required to call all witnesses to testify on behalf of the accusing party or the student organization charged.
 - 5. Admissible evidence shall be the sort upon which responsible persons are accustomed to rely in the conduct of serious affairs, and is not restricted to evidence admissible under the strict rules of evidence of a court of law. No evidence which has been determined by the hearing authority to have been obtained by fundamentally unfair means may be taken into consideration.
- J. **Representation at Hearing**—The accused student organization may have representation present during any stage of the proceedings. The role of the representative may be limited during the hearing by SOHP. Attorneys will not be allowed as representatives in

this process.

- K. **Record of Hearing**—The SOHP will make an official recording of the hearing, a copy of which must be made available to the accused student organization upon request.
- L. **Closure of Hearing**—Hearings shall be closed and not open to the public.
- M. **Hearing Procedure**
 - 1. The SOHP shall rule on all questions of procedure and evidence, including but not limited to the order of presentation of evidence, admissibility of evidence, applicability of regulations to a particular case, and relevance of testimony. If a challenge arises concerning the constitutionality or legality of an application of any such regulations or policies to a particular case, the hearing shall continue and the challenge may be submitted by the hearing authority in writing to the Vice President for Student Affairs, who shall seek legal advice from the university's legal counsel.
 - 2. Unless otherwise determined by SOHP, evidence shall be submitted in the following order: evidence submitted in support of the charges, evidence submitted by the accused student organization, rebuttal evidence in support of the charges, rebuttal evidence submitted by the student organization, and closing arguments. Hearings need not be conducted according to formal rules of procedure and evidence.
 - 3. No person shall be required to testify against him or herself in any hearing proceeding.
 - 4. All evidence upon which the SOHP's decision in the case may be based must be introduced at the hearing in the presence of the accused student organization, except where the student organization (a) fails to appear after appropriate notice has been given or (b) otherwise waives their right to be present. No communication of information regarding the merits of the case or its disposition may be made to SOHP without the adverse party being afforded an opportunity to respond.
- N. **Decision of the Student Organization Hearing Panel**
 - 1. After the hearing, the SOHP shall make findings of fact and conclusions about whether the facts demonstrate a violation of the University Policy with which the student organization is charged. The SOHP's determination shall be made on the basis of whether it is more likely than not that the student organization charged violated the University Policy (i.e., by a preponderance of evidence).
 - 2. After having made its determination, SOHP shall submit a written report to the Director of OSPLD, which includes a determination as to whether the student organization charged violated University Policy and if so, sanction imposed. The SOHP's report shall be submitted to the Director of OSPLD within 10 working days of the conclusion of the hearing.
 - 3. The decision of the SOHP will be final.
- O. **Notification to Relevant Campus Parties**—Not limited to these campus offices, OSPLD shall give written notice of any sanctions against a student organization to the following: Office of the President, Office of the Vice President for Student Affairs, Office of the Associate Vice President for Student Affairs, Associated Students, Inc., and the Cesar Chavez Student Center. Written notice will also be sent out by OSPLD when any sanctions are lifted or when the duration of any sanction ends.
- P. **Corrective Action**—Sanctions may include, but are not limited to, a letter of warning, censure, probation, suspension, or revocation of the organization's recognition. Each disciplinary measure is dependent on the severity of the violation.
 - 1. **Letter of warning**—A Letter of Warning is a written notice to the student organization that a violation of university policies has occurred. This letter will be warning that further violations could result in more severe disciplinary action. It will be a part of the organization's file for a period of one year from the date of the letter.
 - 2. **Censure**—Censure is a written reprimand for violations of university policies and

is considered more severe than a letter of warning. It also includes notice to the organization that continued or repeated violations will result in more severe disciplinary action. It will be a part of the organization's file for a period of one year from the date of the letter.

3. **Probation**—Probation is a period of supervision imposed for a specific length of time. Organizations on probation may continue with all or some of the rights and privileges of student organizations for the specified period of time as identified in the sanction. Any violations within the time period shall result in the immediate loss of all organizational privileges. The organization shall be closely monitored by OSPLD during the probation period.
4. **Suspension**—Suspension is the loss of all rights and privileges of a student organization during the specified suspension period.
5. **Revocation of recognition**—Revocation of recognition involves the expulsion of a student organization from the university campus and all university activities, including the revocation of all student organization rights and privileges.



**SAN FRANCISCO
STATE UNIVERSITY**

© 2007 OSPLD | Student Services Center | San Francisco State University
 E-mail: ospld@sfsu.edu | Phone: (415) 338 2171 | Fax: (415) 338 2172
 1600 Holloway Avenue, SSB#105, San Francisco, CA 94132
 Last update: May 15, 2007 | [Webmaster](#)